



General Assembly

February Session, 2010

Raised Bill No. 229

LCO No. 1303

01303_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE PRETRIAL SUPERVISED
DIVERSIONARY PROGRAM FOR PERSONS WITH PSYCHIATRIC
DISABILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-56l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) There shall be a supervised diversionary program for persons
4 with psychiatric disabilities accused of a crime or crimes or a motor
5 vehicle violation or violations for which a sentence to a term of
6 imprisonment may be imposed, which crimes or violations are not of a
7 serious nature. For the purposes of this section, "psychiatric disability"
8 means a mental or emotional condition, other than solely substance
9 abuse, that (1) has substantial adverse effects on the defendant's ability
10 to function, and (2) requires care and treatment.

11 (b) A person shall be ineligible for participation in such supervised
12 diversionary program if such person (1) is ineligible to participate in
13 the pretrial program for accelerated rehabilitation under subsection (c)
14 of section 54-56e, or (2) has twice previously participated in such

15 supervised diversionary program.

16 (c) Upon application by any such person for participation in such
 17 supervised diversionary program, the court shall, but only as to the
 18 public, order the court file sealed, provided such person states under
 19 oath, in open court or before any person designated by the clerk and
 20 duly authorized to administer oaths, under penalties of perjury, that
 21 such person has not had such supervised diversionary program
 22 invoked in such person's behalf more than once. Court personnel shall
 23 provide notice, on a form approved by rule of court, to any victim of
 24 such crime or motor vehicle violation, by registered or certified mail,
 25 that such person has applied for the supervised diversionary program
 26 and that such victim has an opportunity to be heard by the court on
 27 the matter.

28 (d) The court shall refer such person to the Court Support Services
 29 Division for confirmation of such person's eligibility and [assessment
 30 of the person's mental health condition] psychiatric disability. The
 31 prosecuting attorney shall provide the division with a copy of the
 32 police report in the case to assist the division in [its assessment]
 33 confirming such person's eligibility and psychiatric disability. The
 34 division shall consult with a mental health professional to determine if
 35 [the person is amenable to] such person has a psychiatric disability
 36 with symptoms that can reasonably be expected to be diminished by
 37 treatment, if such person is amenable to participating in such
 38 treatment, and if appropriate services and treatment are available. If
 39 the division determines that [the person is amenable to] such person
 40 has a psychiatric disability with symptoms that can reasonably be
 41 expected to be diminished by treatment, that such person is amenable
 42 to participating in such treatment and that appropriate services and
 43 treatment are available, [it] the division shall develop a plan for
 44 services and treatment [plan] tailored to the person and shall present
 45 [it] the plan to the court. The plan for services and treatment shall
 46 indicate the name and location of the service provider responsible for
 47 providing treatment services under the plan and the scheduled date

48 for the person's first appointment with the service provider.

49 (e) Upon confirmation of eligibility and consideration of the plan for
 50 services and treatment [plan] presented by the Court Support Services
 51 Division, the court may grant [such] the application. If the court grants
 52 the application, such person shall be referred to the division. The
 53 division shall collaborate with the Department of Mental Health and
 54 Addiction Services or a service provider to place such person in a
 55 program that provides appropriate [community supervision, treatment
 56 and] services and treatment. The person shall be subject to the
 57 supervision of a probation officer who has a reduced caseload and
 58 specialized training in working with persons with psychiatric
 59 disabilities. The period of probation or supervision, or both, for any
 60 person in the supervised diversionary program shall not exceed two
 61 years.

62 (f) The Court Support Services Division shall establish [policy]
 63 policies and procedures to require division employees to notify any
 64 victim of the person admitted to the supervised diversionary program
 65 of any conditions ordered by the court that directly affect the victim
 66 and of such person's scheduled court appearances with respect to the
 67 case.

68 (g) Any person who enters the supervised diversionary program
 69 shall agree: (1) To the tolling of the statute of limitations with respect
 70 to such crime or violation; (2) to a waiver of such person's right to a
 71 speedy trial; and (3) to any conditions that may be established by the
 72 division concerning participation in the supervised diversionary
 73 program including conditions concerning participation in meetings or
 74 sessions of the supervised diversionary program.

75 (h) If the Court Support Services Division informs the court that
 76 such person is ineligible for the supervised diversionary program and
 77 the court makes a determination of ineligibility or if the division
 78 certifies to the court that such person did not successfully complete the
 79 assigned supervised diversionary program, the court shall order the

80 court file to be unsealed, enter a plea of not guilty for such person and
81 immediately place the case on the trial list.

82 (i) If such person satisfactorily completes the assigned supervised
83 diversionary program, such person may apply for dismissal of the
84 charges against such person and the court, on reviewing the record of
85 such person's participation in such program submitted by the Court
86 Support Services Division and on finding such satisfactory completion,
87 shall dismiss the charges. If such person does not apply for dismissal
88 of the charges against such person after satisfactorily completing the
89 assigned program, the court, upon receipt of the record of such
90 person's participation in such program submitted by the Court
91 Support Services Division, may on its own motion make a finding of
92 such satisfactory completion and dismiss the charges. Except as
93 provided in subsection (j) of this section, upon dismissal, all records of
94 such charges shall be erased pursuant to section 54-142a. An order of
95 the court denying a motion to dismiss the charges against a person
96 who has completed such person's period of probation or supervision
97 or terminating the participation of a person in such program shall be a
98 final judgment for the purposes of an appeal.

99 (j) The Court Support Services Division shall develop and maintain
100 a database of information concerning persons admitted to the
101 supervised diversionary program that shall be available to the state
102 police and organized local police departments for use by sworn police
103 officers when responding to incidents involving such persons. Such
104 information shall include the person's name, date of birth, Social
105 Security number, the violation or violations with which the person was
106 charged, the dates of program participation and whether a deadly
107 weapon or dangerous instrument was involved in the violation or
108 violations for which the program application was granted. The
109 division shall enter such information in the database upon such
110 person's entry into the supervised diversionary program, update such
111 information as necessary and retain such information for a period of
112 five years after the date of such person's entry into the supervised

113 diversionary program.

114 (k) The Court Support Services Division, in collaboration with the
 115 Department of Mental Health and Addiction Services, shall develop
 116 standards and oversee appropriate treatment programs to meet the
 117 requirements of this section and may contract with service providers to
 118 provide such programs or assist in placing persons pursuant to
 119 subsection (e) of this section.

120 (l) The Court Support Services Division shall retain the police report
 121 provided to it by the prosecuting attorney and the record of
 122 supervision including the dates of supervision and shall provide such
 123 information to the court, prosecuting attorney and defense counsel
 124 whenever a court is considering whether to grant an application by
 125 such person for participation in the supervised diversionary program
 126 for a second time.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | October 1, 2010 | 54-56l |
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Statement of Purpose:

To (1) clarify procedures for admission to, and treatment in, the pretrial supervised diversionary program for persons with psychiatric disabilities, and (2) limit participation in such program to two years.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]